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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12 SACRAMENTO DIVISION
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15 ALYAA ABDULKAREEM,
16 Plaintiff,
17 v.
18 KILOLO KIJAKAZI,
19 Acting Commissioner of Social
20 Security,
21 Defendant.
22

No. 2:20-cv-02308-DMC

STIPULATION AND ORDER FOR
EXTENSION TO FILE DEFENDANT'S
RESPONSE TO PLAINTIFF'S BRIEF

23 The parties stipulate through counsel that Defendant, the Acting Commissioner of
24 Social Security (the "Commissioner"), shall have an extension of time to file her opposition
25 in this case. In support of this request, the Commissioner respectfully states as follows:

- 26 1. Primary responsibility for handling this case has been delegated to the Office of
27 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").
28 2. Defendant's response to Plaintiff's opening brief is currently due October 22,

1 2021. Defendant has not previously requested an extension of time for this deadline.

2 3. The Region IX Office currently handles all district and circuit court litigation
3 involving the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and
4 Guam.

5 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
6 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
7 Most of the attorneys who handle program litigation cases have additional responsibilities, such
8 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
9 work product of junior attorneys, conducting trainings, and participating in national workgroups.
10 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
11 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
12 assigned cases into their existing caseloads.

13 5. As of September 14, 2021, the Region IX Office has 404 district court briefs due
14 in the next sixty days in the jurisdictions it handles; at least 300 of these are due in the next thirty
15 days. In addition, the Region IX Office has nine appellate cases pending for briefing.

16 6. In addition to “program” litigation, the Region IX Office provides a full range of
17 legal services as counsel for the Social Security Administration, in a region that covers four
18 states (including the most populous state in the nation) and three territories. These other
19 workloads include employment litigation; civil rights investigations; bankruptcy matters; and
20 requests for legal advice on wide-ranging topics, including Regional office client requests for
21 advice on program issues, employee conduct and performance, reasonable accommodation,
22 hostile work environment, ethics, Privacy Act and disclosure, and torts. Because of the high
23 volume of program litigation cases, the Region IX Office has had to focus its efforts on
24 processing only other workloads that are subject to statutory, regulatory, and court deadlines.

25 7. The undersigned attorney has six briefs due in district court cases over the next
26 week, with another over the next month, for a total of thirteen over the next month. The
27 undersigned attorney for Defendant is also responsible for reviewing the work of two new
28

1 attorneys in the Region IX Office.

2 8. Due to the volume of the overall workload within the Region IX Office, neither
3 the undersigned attorney nor another attorney in the Region IX Office anticipate being able to
4 complete briefing by the current due date of October 22, 2021. Therefore, Defendant seeks an
5 extension of 30 days, until November 22, 2021, to respond to Plaintiff's opening brief.

6 9. This request is made in good faith and is not intended to delay the proceedings in
7 this matter.

8 WHEREFORE, Defendant requests until November 22, 2021, to file her response.

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10 Respectfully submitted,

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12 DATE: October 15, 2021

/s/ Jesse Kaplan
JESSE KAPLAN
Attorney for Plaintiff
(as approved via email)

PHILLIP A. TALBERT
Acting United States Attorney

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17 DATE: October 15, 2021

18 By */s/ Daniel P. Talbert*
DANIEL P. TALBERT
Special Assistant United States Attorney

19
20 Attorneys for Defendant

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22 ORDER

23 Pursuant to stipulation, it is so ordered.

24 Dated: October 18, 2021

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27 DENNIS M. COTA
28 UNITED STATES MAGISTRATE
JUDGE